

B1040 (FORM 1040) (12/15)

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER
PLAINTIFFS Stacey Bridges and Creighton Bloyd et al	DEFENDANTS Purdue Pharma L.P. , et al.	
ATTORNEYS (Firm Name, Address, and Telephone No.) Frank Ozment, 217 Country Club Park, Bo 501, Birmingham, AL 35213 (205) 8475401 Roderick Graham, P.O. Box 43334, Birmingham, AL 35243 (205) 4279494	ATTORNEYS (If Known)	
PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) A class action of opioid patient seeking a trust as a remedy.		
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)		
<p>FRBP 7001(1) – Recovery of Money/Property</p> <p><input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input checked="" type="checkbox"/> 14-Recovery of money/property - other</p> <p>FRBP 7001(2) – Validity, Priority or Extent of Lien</p> <p><input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property</p> <p>FRBP 7001(3) – Approval of Sale of Property</p> <p><input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)</p> <p>FRBP 7001(4) – Objection/Revocation of Discharge</p> <p><input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)</p> <p>FRBP 7001(5) – Revocation of Confirmation</p> <p><input type="checkbox"/> 51-Revocation of confirmation</p> <p>FRBP 7001(6) – Dischargeability</p> <p><input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny</p> <p style="text-align: center;"><i>(continued next column)</i></p>		
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<input type="checkbox"/> Check if this case involves a substantive issue of state law	<input checked="" type="checkbox"/> Check if this is asserted to be a class action under FRCP 23	
<input type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$ unspecified	
Other Relief Sought		

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BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR Purdue Pharma L.P. et al.	BANKRUPTCY CASE NO. BK-19-23649-RDD	
DISTRICT IN WHICH CASE IS PENDING Southern District of New York	DIVISION OFFICE White Plain	NAME OF JUDGE Hon. Judge Drain
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF)		
		
DATE 12/11/2021	PRINT NAME OF ATTORNEY (OR PLAINTIFF) Roderick Graham	

INSTRUCTIONS

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Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

PURDUE PHARMA L.P., et al.,

Debtors.

Chapter 11

Case No. 19-23649 (RDD)

(Jointly Administered)

STACEY BRIDGES and CREIGHTON
BLOYD and others similarly
situated,

Adversary Proceeding

Plaintiffs,

Case No. _____

v.

PURDUE PHARMA L.P., et al.,

Defendants.

ADVERSARY PROCEEDING COMPLAINT

On behalf of themselves and those similarly situated to them, or either of them, Stacey Bridges and Creighton Bloyd bring this adversary proceeding to establish a trust whereby Debtor's victims may have subsidized access to therapeutic counseling and medicine assisted treatment for opioid use disorder, so that the victims recover. In support of this proceeding, Bridges and Bloyd state:

1. The United States and the Debtor have entered into a plea agreement and a settlement agreement (collectively, the Settlement Agreement), both of

which have received conditional approval from this Court. Debtor pleaded guilty in U.S. District Court to crimes described in the plea agreement.

2. If implemented, the Settlement Agreement would convert Debtor into a public interest corporation for the manufacture and sale of Debtor's existing products, presumably including but not limited to buprenorphine (commonly known as Suboxone) and various forms of OxyContin.

3. Buprenorphine is one of several drugs commonly used in medicine assisted treatment (MAT). Others are vivitrol and methadone.

4. MAT is used to help opioid use disorder patients discontinue using opioids, including heroin.

5. While some counseling may be required by law in connection with some MAT, much of that counseling is insufficient to help victims such as Bridges to overcome or even to manage their disorder.

6. Genuine, therapeutically focused counseling greatly improves the likelihood that MAT patients will adhere to therapy. By the time Debtor's victims become MAT patients, their life circumstances are typically such that they have suffered overwhelming trauma, not to mention practical obstacles such as unemployment, poverty, and alienation from their families.

7. Without counseling, MAT patients relapse into active opioid addiction.

8. Bridges is a prime example of the peril that Debtor's victims face.

9. Bridges grew up in Walker County, Alabama, where the per capita opioid prescription rate is among the highest in the Nation.

10. When she was still a teenager, a physician in Walker County prescribed OxyContin for Bridges.

11. Bridges developed opioid use disorder, but became independent of opioid use with MAT.

12. After marrying and in anticipation of becoming pregnant, Bridges ceased MAT.

13. After giving birth to her son, Bridges had an automobile accident, and a physician in Walker County prescribed MS Contin (a time released form of OxyContin) to help Bridges deal with the pain of her injuries.

14. After her husband died in the Walker County Jail (his death was ruled a suicide), Bridges' physician abruptly discontinued her MS Contin prescription.

15. Bridges became addicted to heroin.

16. She transferred custody of her children, became indigent, and was ultimately detained in the Jasper Municipal Jail, where a jailer used access to gabapentin (a drug famous among heroin addicts for easing the pain associated with temporarily discontinuing heroin) to exploit her.

17. Over the years, Bridges often attempted to quit using heroin without MAT or with MAT and minimal counseling. However, she would relapse.

18. In recent years, she has managed to stop using heroin by combining MAT and intensive, focused therapy. She pays for her buprenorphine with her own money, because she has no insurance (which rarely covers MAT in any event).

19. On the one hand, Bridges hopes to become independent of MAT again. On the other, she acknowledges that her long history of heroin use puts her at risk of requiring MAT over the foreseeable future, if not her lifetime. In either event, effective counseling significantly increases the likelihood that Bridges will adhere to MAT and ultimately become independent of it, while the lack of effective counseling materially increases the risk she will relapse.

20. Creighton Bloyd began using OxyContin as a college student in East Tennessee.

21. The “pipeline” that made OxyContin available in East Tennessee began in Florida, where prescriptions for Debtor’s products were outrageously frequent and often medically unnecessary.¹

¹ The story behind the pipeline was described in a feature length article published in Rolling Stone magazine. https://www.rollingstone.com/culture/culture-news/the-dukes-of-oxy-how-a-band-of-teen-wrestlers-built-a-smuggling-empire-226940/#utm_medium=social&utm_source=email&utm_campaign=social_bar&utm_content=bottom_amp&utm_id=226940.

22. Bloyd became addicted to OxyContin while he was a college student.

He was fortunate that he did not become a heroin user.

23. Bloyd has attempted to overcome his opioid addiction without MAT,

but he would inevitably relapse, despite his best efforts.

24. With MAT, Bloyd has managed to lead a successful life. He has

married and his work as a consumer finance executive is going very well.

25. While Bloyd has medical insurance, Bloyd pays for his MAT out of

his own pocket.

26. Bloyd acknowledges that he will likely require MAT for the

foreseeable future.

27. The Settlement Agreement appears to attempt to subsidize MAT

indirectly by depriving Debtor of a profit motive and requiring Debtor to operate in

the public interest. Whether that is, in fact, the intent of the Settlement Agreement

is unclear: whether that strategy will work is plainly speculative.

28. The Settlement Agreement does not subsidize the costs of counseling.

29. The Settlement Agreement unapologetically attempts to deprive

Bridges and other victims similarly situated to her of the rights they have as crime

victims under the Mandatory Victim Restitution Act, 18 U.S.C. 3663. In pertinent

part, section 3663(A) states that victims of bodily injury are entitled to

reimbursement for: “professional services and devices relating to physical,

psychiatric, and psychological care, including nonmedical care and treatment rendered in accordance with a method of healing recognized by the law of the place of treatment.” It is important to note that the U.S. District Court has not yet entered an order formally depriving Bridges and Bloyd and persons similarly situated to them, or either of them, of restitution.

30. It is unconscionable for the Settlement Agreement to serve as the lever for depriving Bridges, Bloyd, and victims similarly situated to them, or either of them, of the rights they have as creditors in this case. However laudable the ambitions of a public interest corporation may be, such an organization serves the public in general, not the Debtor’s victims in particular. Put differently, Debtor’s victims who have filed claims in this case are not merely entitled to a buprenorphine discount available to all opioid use disorder patients across the Nation, many of whom may have had no connection with Debtor whatsoever.

31. Now that Debtor has pleaded guilty, Bridges, Bloyd, and the class of persons similarly situated to them, or either of them, are entitled to a lien on Debtor’s assets pursuant to the MVRA, with such lien being in the amount of restitution necessary to pay for the MAT for Bridges, Bloyd, or either of them, and the class of persons they represent. While Bridges and Bloyd have not yet persuaded the District Court to impose such a lien, they respectfully submit they

are entitled to an equivalent, equitable lien in this case regardless whether the District Court recognizes their rights under the MVRA.

32. The United States agreed to forego seeking restitution under the plea agreement because the government claims calculating restitution would result in unnecessary “prolongation.” Calculating the amount of restitution necessary to pay for the MAT associated with Debtor’s victims would not be impossibly complex.² While the present value of such an amount may exceed Debtor’s ability to pay if the United States succeeds in gaining (for its penalty) priority over all other claims and expenses, any amount of restitution paid for the benefit of Debtor’s victims is better than no amount or a mere market wide subsidy for the price of buprenorphine (which subsidy may be unrealistic over time).

33. Bridges and Bloyd recognize that cash restitution payments to MAT patients, much less opioid use disorder victims in active addiction, may be impracticable or even imprudent.

34. The claims of Bridges and Bloyd are typical of the claims asserted by other opioid use disorder patients who have timely filed claims in this case.

² If the Debtor’s consultants could calculate how big of a rebate to give a pharmacy each time a pharmacy’s customer overdosed on Debtor’s products, the task of calculating the present value of bi-weekly or monthly buprenorphine prescriptions and weekly counsel should be manageable. See <https://www.nytimes.com/2020/11/27/business/mckinsey-purdue-oxycontin-opioids.html>

35. There are questions of fact common to Bridges' claim and Bloyd's claim and those of other opioid use disorder patients. These include whether Debtor's products were consumed and were a cause of the opioid use disorder.

36. There are numerous claims against Debtor, both filed in this case and otherwise.

37. Bridges and Bloyd are adequate representatives of the class.

38. A class claim is a superior means of adjudicating the controversy described herein.

WHEREFORE, on behalf of themselves and others similarly situated to them, or either of them, Bridges and Bloyd respectfully request this Court to enter an order as follows:

A. To require Debtor to establish a directed trust (the Trust), 1) the primary beneficiaries of which are those natural persons a) who have filed claims in this case, b) who are opioid use disorder victims, and c) who consumed Debtor's opioid products (other than those who consumed buprenorphine only), and the secondary beneficiaries of which are persons who satisfy conditions b) and c), and 2) the powers of which Trust shall be those necessary to accomplish the purpose of providing MAT, including counseling, to primary and secondary beneficiaries.

B. To require Debtor to designate Truist Bank, or, in the event Truist Bank is unwilling or unable to accept the appointment, another similarly sized depository institution with trust powers as the trustee for the Trust.

C. To require Debtor to designate an acceptable money manager for the Trust from a slate of managers presented by the Unsecured Creditor's Committee to the Court.

D. To take evidence and, if necessary, to have a hearing (whether virtually or otherwise) on the amount necessary to cover the MAT, including counseling, for Bridges, Bloyd, or either of them, and the class of persons they would represent.

E. To impose a lien (the Lien) against the Debtor's assets in an amount that the Court determines as an appropriate amount to pay as restitution for Bridges, Bloyd, or either of them, and the class of persons they represent, which amount shall be the amount described above.

F. To require Debtor to deposit into the Trust cash or cash equivalents in an amount necessary to satisfy the Lien.

G. From a list provided by Bridges, Bloyd, or either of them, and after hearing objections, if any, from creditors, to appoint administrative, medical, and psychological experts to advise the trust from time to time on methods for

reimbursing service providers (including pharmacies) who provide MAT, including therapy, to beneficiaries of the Trust.

H. After the funds of the Trust are such that efficient administration is not practical, or after the beneficiaries have completed MAT and counseling, or upon other good cause shown by any beneficiary, trustee of the Trust, or advisor of the Trust, to disburse the corpus of the trust to such persons whose usage of the funds would be consistent with the purpose of the Trust.

i. Award attorney's fee and cost to the plaintiff.

Respectfully submitted,

s/ Frank Ozment
Frank Ozment (ASB-7203-N73J)
Frank Ozment Attorney at Law, LLC
217 Country Club Park, Box 501
Birmingham, AL 35213
Phone: (205) 847-5401
Email: frankozmentlaw@gmail.com

s/Roderick Graham
Roderick Graham
Attorney for Plaintiff
Graham and Associates, P.C.
PO Box 43334
Birmingham, Alabama 35243
Phone: (205)427-9494
Email: Rodgrah@hotmail.com

Attorney for Plaintiffs

**United States Bankruptcy Court
Southern District of New York**

In re

PURDUE PHARMA L.P., et al.,
Debtors.

Bankruptcy
Case No. 19-23649 (RDD)

Debtor(s)

STACEY BRIDGES and CREIGHTON BLOYD and others
similarly situated,

Plaintiff(s)

PURDUE PHARMA L.P., et al.,

Adversary
Proceeding No.

Defendant(s)

**SUMMONS AND NOTICE OF PRETRIAL CONFERENCE
IN AN ADVERSARY PROCEEDING**

YOU ARE SUMMONED and required to submit a motion or answer to the complaint which is attached to this summons to the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall submit a motion or answer to the complaint within 35 days, to:

**United States Bankruptcy Court, Southern District of New York
300 Quarropas Street, 2nd Floor
White Plains, New York 10601**

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Name and Address of Plaintiff's Attorney:

Frank Ozment
Frank Ozment Attorney at Law, LLC
217 Country Club Park, Box 501
Birmingham, AL 35213

Roderick Graham
Graham and Associates, LLC
PO Box 43334, Birmingham, Alabama 35243

If you make a motion, your time to answer is governed by Bankruptcy Rule 7012.

YOU ARE NOTIFIED that a pretrial conference of the proceeding commenced by the filing of the complaint will be held at the following time and place:

United States Bankruptcy Court Southern District of New York 300 Quarropas Street, 2nd Floor White Plains , NY 10601	Room: Date and Time:
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IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

/s/

Clerk of the Bankruptcy Court

By: /s/

Deputy Clerk

Date

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